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1949. **File No.** O. Revenue Recovery/49

Legal Department

A **BRANCH**

Subject:—Opinions Under the Revenue Recovery

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MM

SC dated 4-6-'50

Office of the R.L.A.

The Bond executed by Mr. Badami provides that in the event of his failure or refusal to serve Government for a period of five years he shall refund to Government on demand the costs incurred by Government of and incidental to his training and deputation to the United Kingdom and that Government may without prejudice to any other rights or remedies of Government recover from him the said sum as an arrear of land revenue. If Mr. Badami has any property, moveable or immoveable, in the Province of Bombay the Education and Industries Department may, in the first instance, explore the possibility of resorting to this method of recovery which will be cheaper, simpler and more expeditious than an action at law.

2. Mr. Badami is at present reported to be serving at Tatanagar in West Bengal. Even if he has no property in Bombay, it would still be possible to recover from him the costs of his training as an arrear of land revenue by following the procedure prescribed in the Revenue Recovery Act (India Act I of 1890). Section 3 of that Act provides as under:-

> 3. (1) Where an arrear of land revenue, or a sum recoverable as an arrear of land revenue, is payable to a Collector by a defaulter being or having property in a district other than that in which the arrear accrued or the sum is payble, the Collector may send to the Collector of that other district a certificate in the form as nearly as may be of the schedule stating--
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> (a) the name of the defaulter and other particulars as may be necessary for his indintification and
> (b) the amount payable by him and the account on which it is due.
>
> (2) The certificate shall be signed by the Collector making it and ....shall be conclusive proof of the matters therein stated.
>
> (3) The Collector of the other district shall, on receiving the certificate proceed to recover the amount stated therein as if it were an arrear of land

revenue which had accrued in this other district.

Mr. Badami seems originally to be an inhabitant of Bombay. In the event of his default the costs of his training become payable to the Province of Bombay i.e. in Bombay. The Collector of Bombay would therefore be competent to issue the certificate under section 3. In the alternative, since the breach of the Bond occurred at Ahmedabad, it would be competent to the Collector of Ahmedabad also to issue such a certificate. It should be in the form of the schedule to the Act and should state the amount due and the circumstances in which it became recoverable as an arrear of land revenue.

P.M.LAD.
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ps.o.

Remembrancer of Legal Affairs.

U.R. to E.& I.D., No. 127-Confl dated the 24th February 1949.

Submitted for signature.

50 dated 4-6-'50.